

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

UNITED STATES OF AMERICA

v.

EVIDENTIARY HEARING

MARVIN THOMAS

Case No. 09-CR-239

HONORABLE WILLIAM C. GRIESBACH, presiding

Tape No.: 120409

Deputy Clerk: Terri

Hearing Began: 9:47 a.m.

Hearing Held: December 4, 2009

Hearing Ended: 11:56 a.m.

Appearances:

UNITED STATES OF AMERICA by: Tammy Jo Hock

MARVIN THOMAS, in person, and by: Timothy P. Geary

Re: [11] Motion to Suppress filed by Marvin Thomas

The government clarifies some discrepancies in the facts of the case. The government clarifies a misunderstanding relating to the driver of the vehicle in the statement of facts. The court addresses issues of burden of proof and standing.

Attorney Geary moves for sequestration of witnesses. The court grants the motion.

09:52 The government calls ING-JEN KUO. Witness sworn. Direct examination by AUSA Hock.

10:07 Cross-examination by Attorney Geary.
(Exhibit 1 - admitted)

10:12 Redirect by AUSA Hock.

10:16 Witness excused. The government calls DAVID GRAF. Witness sworn. Direct examination by AUSA Hock.

10:39 Cross-examination by Attorney Geary.
(Exhibit 2, Exhibit 3 - admitted)

10:46 Witness excused. The government calls PATRICK EDWARD VAN LANEN. Witness sworn. Direct examination by AUSA Hock.

11:00 Cross-examination by Attorney Geary.

11:05 Redirect by AUSA Hock.

11:06 Witness excused. The government calls JASON KATERS. Witness sworn. Direct examination by AUSA Hock.

11:09 Cross-examination of JASON KATERS by Attorney Geary.
(Exhibit 4 - admitted)

11:11 Redirect by AUSA Hock. Witness excused.

11:12 The government rests. The defense calls MICHAEL J. WANTA. Witness sworn. Direct examination by Attorney Geary.
(Exhibit 5, Exhibit 6, Exhibit 7, Exhibit 8, Exhibit 9- admitted)

11:26 Court recesses.

11:33 Court resumes. Continued direct examination of MICHAEL J. WANTA. Attorney Geary plays a portion of the DVD (Exhibit 7, 1:37:00 - 1:39:00) for the witness.

11:43 Cross-examination by AUSA Hock.

11:49 Redirect by Attorney Geary.

11:52 Re-cross by AUSA Hock.

11:54 Witness excused. The court continues the hearing to December 9, 2009 at 9:30 a.m.

11:56 Court adjourns.

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Evidentiary Hearing Exhibits

Exhibit 1	Brown County Drug Task Force - Statement of Ing-Jen Kuo
Exhibit 2	Case Activity Report - Search Warrant
Exhibit 3	Affidavit of David Graf in Support of Search Warrant
Exhibit 4	Case Activity Report - Search Warrant/Evidence
Exhibit 5	Case Activity Report - Surveillance/Interview
Exhibit 6	GBPD Subject/Arrestee Form - Equinees A. Boyles
Exhibit 7	DVD - Interview of Equinees Boyles by Michael J. Wanta on 09/02/2009
Exhibit 8	GBPD Subject/Arrestee Form - Marvin Thomas
Exhibit 9	Case Activity Report - Interview

